

**NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD
NOTICE OF PUBLIC HEARING TO CONSIDER REPEAL AND REPLACEMENT OF LIQUID
WASTE DISPOSAL REGULATION, 20.7.3 NMAC**

The New Mexico Environmental Improvement Board (Board) will hold a public hearing on December 7, 8 and 9, 2004 at 9:30 a.m. at the New Mexico State Capitol Building, Room 317, at the corner of Don Gaspar and Paseo de Peralta, Santa Fe, New Mexico. The purpose of the hearing is to consider the repeal and replacement of the Liquid Waste Disposal Regulation, 20.7.3 NMAC. The New Mexico Environment Department is the proponent of the repeal and replacement regulation.

The replacement regulation is proposed to: (i) address the growing concern of ground water contamination generated by septic systems; (ii) provide greater clarity by describing “areas of concern” that invoke stricter standards; (iii) provide for a time period for undeveloped lots to come within current standards over a period of time; (iv) provide language to permit unpermitted systems; and (v) provide maintenance standards for conventional and non-conventional systems. The replacement regulation differs from the current regulation that would be repealed as follows (section numbers are to the proposed replacement regulation):

20.7.3.2 (B) Scope: Non-substantive technical changes.

20.7.3.7 Definitions: Definitions are extensively revised and new definitions are added.

20.7.3.8 General Provisions: Non-substantive changes; deleted language relocated.

20.7.3.201 Procedures- General Requirements: Reorganization of existing language; new language includes Area of Concern.

20.7.3.202 Procedures- Modification of Existing Systems: Language for modifying a liquid waste system.

20.7.2.203 Procedures; Inspection and Testing: Includes language from relocated current sections.

20.7.3.301 Standards; Lot Size Requirements: Includes relocated language; new language for the development of small lots added.

20.7.3.302 Standards; Setback Requirements: Relocated language.

20.7.3.304 Standards; Clearance Requirements: Relocated language.

20.7.3.304 Standards; Prohibitions: Relocated language with new language dealing with recreational vehicle waste and water softeners.

20.7.3.305 Standards; Waste Interceptors: Relocated language.

20.7.3.306 Standards; Septage: Relocated language.

20.7.3.307 Standards; Abandoned Sewers and On-Site Liquid Waste Systems: Relocated language.

20.7.3.401 Design; General Requirements: Reorganized and relocated language; language to permit unpermitted systems added.

20.7.3.402 Permitting; Conventional Treatment and Disposal System: Relocated language.

20.7.3.403 Permitting; Advanced Treatment or Alternative Disposal: New section for advanced technologies; includes language requiring an amendment to the permit upon change of ownership.

20.7.3.404 Permitting; Experimental Systems: Relocated language.

20.7.3.405 Permitting; Variances: Relocated language.

20.7.3.406 Permitting; Appeals: Relocated language.

20.7.3.501 Design; Liquid Waste Treatment Units; General: Relocated and new language.

20.7.3.502 Design; Conventional Treatment Units; Construction Standards: Relocated language.

20.7.3.601 Design; Advanced Treatment Units; General: New language dealing with the general requirements specific to advanced treatment units.

20.7.3.602 Design; Secondary Treatment Standards: New language establishing secondary treatment levels.

20.7.3.603 Design; Tertiary Treatment Standards: New language establishing tertiary treatment levels.

20.7.3.604 Design; Disinfection Treatment Standards: New language establishing disinfection standards.

20.7.3.605 Design; Minimum Required Treatment Levels for Site Conditions: New language establishing the minimum treatment levels required for site conditions.

20.7.3.701 Design; Conventional Disposal Field; Design and Construction: Relocated and new language.

20.7.3.702 Design; Seepage Pit; Design and Construction: Non-substantive technical change.

20.7.3.703 Design; Area of Disposal Field and Seepage Pits: Relocated language.

20.7.3.801 Design; Alternative Disposal: New section describing what alternative disposal is.

20.7.3.802 *Privies*: New language setting forth the requirements for privies.

20.7.3.803 *Cluster Systems*: New language setting forth the requirements for cluster systems.

20.7.3.804 *Composting and Incinerating Toilets*: New language setting forth the requirements for composting and incinerating toilets.

20.7.3.805 *Irrigation/Reuse Systems*: New language setting forth the requirements for irrigation/reuses systems.

20.7.3.806 *Evapotranspiration Systems*: New language setting forth the requirements for evapotranspiration systems.

20.7.3.807 *Mound Systems*: New language setting forth the requirements for mound systems.

20.7.3.808 *Low Pressure Dosed Disposal System*: New language setting forth the requirements for low pressure dosed systems.

20.7.3.809 *Holding Tank Requirements*: Relocated language.

20.7.3.810 *Graywater Discharges*: Relocated language.

20.7.3.811 *Graywater Systems*: New language setting forth the requirements for graywater systems not covered by Section 810.

20.7.3.812 *Pump Stations and Equipment*: Relocated language.

20.7.3.813 *Building Sewer*: Relocated language.

20.7.3.901 *Monitoring*: New language setting forth monitoring requirements.

20.7.3.902 *Operation and Maintenance*: New language dealing with operation and maintenance requirements and requirements for inspection at time of property transfers.

20.7.3.903 *Maintenance Service Providers (MSP) for Conventional and Advanced On-site Liquid Waste Systems*: New language establishing requirements for MSP's.

20.7.3.904 *Requirements For Certification*: New language establishing certification requirements for various aspects of the liquid waste industry.

20.7.3.905 *Technical Advisory Committee*: References the Technical Advisory Committee set up by state statute.

20.7.3.906 *Administrative Enforcement*: New language establishing administrative enforcement procedures.

20.7.3.907 *Authority to Disconnect Source of Water Supply*: Relocated language.

Please note formatting and minor technical changes in the regulations may occur. In addition, the Board may make other changes to the proposed regulation as necessary to accomplish the purpose of providing public health and safety in response to public comments and evidence presented at the hearing.

The proposed replacement rule may be reviewed during regular business hours at the office of the Environmental Improvement Board and the four New Mexico Environment Department district offices as follows:

- (1) Environmental Improvement Board, Harold Runnels Building, 1190 St. Francis Drive, Room N-2153 Santa Fe, NM, 87505
- (2) District I, 4131 Montgomery Blvd, N.E., Albuquerque, NM 87109
- (3) District II, 4 Calle Medico, Santa Fe, NM 87505
- (4) District III, 1170 North Solano Drive, Suite M, Las Cruces, NM 88001
- (5) District IV, 1914 W. Second, Roswell, NM 88201

Copies of the proposed replacement rule may be downloaded from the New Mexico Environment Department webpage, <http://www.nmenv.state.nm.us/fod/LiquidWaste/reg.rewrite.html>, or may be obtained by contacting Geraldine Madrid-Chavez at (505) 827-2425 or by email at Geraldine_Chavez@nmenv.state.nm.us. Please refer to Docket No. EIB 04-07. Written comments regarding the proposed replacement regulation may be addressed to Ms. Madrid-Chavez at the above address, and should reference docket number EIB 04-07.

The hearing will be conducted in accordance with 20.1.1 NMAC (Rulemaking Procedures) Environmental Improvement Board, the Environmental Improvement Act, Section 74-1-9 NMSA 1978, and other applicable procedures.

All interested persons will be given reasonable opportunity at the hearing to submit relevant evidence, data, views and arguments, orally or in writing, to introduce exhibits, and to examine witnesses. Any person who

wishes to submit a non-technical written statement for the record in lieu of oral testimony shall file such statement prior to the close of the hearing.

Persons wishing to present technical testimony must file with the Board a written notice of intent to do so. The notice of intent shall:

- Identify the person or entity for whom the witness(es) will testify;
- Identify each technical witness that the person intends to present and state the qualifications of the witness, including a description of their education and work background;
- Summarize or include a copy of the direct testimony of each technical witness and state the anticipated duration of the testimony of that witness;
- List and describe, or attach, each exhibit anticipated to be offered by that person at the hearing; and,
- Attach the text of any recommended modifications to the proposed changes.

Notices of intent for the hearing must be received in the Office of the Environmental Improvement Board not later than 5:00 pm on November 19, 2004, and should reference the name of the regulation, the date of the hearing, and docket number EIB 04-07. Failure to conform to the requirements to present technical testimony may result in exclusion of the technical testimony. Notices of intent to present technical testimony should be submitted to:

Geraldine Madrid-Chavez
Office of the Environmental Improvement Board
Harold Runnels Building
1190 St. Francis Dr., Room N-2153
Santa Fe, NM 87502

If you are an individual with a disability and you require assistance or an auxiliary aid, e.g. sign language interpreter, to participate in any aspect of this process, please contact the Office of the Environmental Improvement Board by November 19, 2004 at Sally Worthington, Office of the Environmental Improvement Board, 1190 St. Francis Dr., Room, P.O. Box 26110, Santa Fe, NM 87502, (505) 827-2002. TDD or TDY users may access this number via the New Mexico Relay Network (Albuquerque TDD users: (505) 275-7333; outside of Albuquerque: 1-800-659-1779.)

The Board may make a decision on the repeal of the current rule and its replacement with the proposed rule at the conclusion of the hearing, or the Board may convene a meeting after the hearing to consider action on the proposal.